

CITY OF LAS VEGAS PROPOSED CHARTER AMENDMENT INFORMATION

City Charter amendment 1

Shall the City amend Section 2.01(A) of the City of Las Vegas Municipal Charter to require that the City be governed by a home-rule charter whereby the City's governing body shall consist of a mayor and a city council?

Current language:

The City shall be governed by the mayor-council form of government together with appointment of a city manager, as provided by state law, and except as otherwise provided in this Charter

Proposed language:

The City shall be governed by a home-rule charter whereby the City's governing body shall consist of a Mayor and a City Council.

City Charter amendment 2

Shall the City amend Section 8.01(A) of the City of Las Vegas Municipal Charter to reflect the name change of the state statute that governs municipal elections??

Current language:

The New Mexico Municipal Election Code shall apply to and govern elections of the City of Las Vegas, except to the extent that the Municipal Election Code is inconsistent with the provisions of this Charter, in which case the Charter shall govern.

Proposed language:

The New Mexico Election Code shall apply to and govern the elections of the City of Las Vegas, except to the extent that said Election Code is silent or conflicts with the provisions of the City Charter, in which case the City Charter shall govern.

City Charter amendment 3

Shall the City amend Section 8.01(B) of the City of Las Vegas Municipal Charter to require the regular municipal election to be held as provided by law, rather than on the first Tuesday in March of each even-numbered year?

Current language:

The regular municipal election shall be held on the first Tuesday in March of each even-numbered year.

Proposed language:

The regular municipal elections shall be held as provided by applicable law.

City Charter amendment 4

Shall the City delete Section 8.01(C)(3) of the City of Las Vegas Municipal Charter which currently requires voters to register at least 30 days prior to an election, to instead allow same day voter registration in accordance with the federal National Voter Registration Act?

Current language:

In order to qualify, voters must be duly registered with the county clerk's office not later than thirty (30) days prior to the election.

Proposed language:

(None, the current language would be removed and not replaced)

City Charter amendment 5

Shall the City amend Section 8.01(F) of the City of Las Vegas Municipal Charter to state that the election of all municipal elective officers shall be by majority of the votes cast for the particular office in question, and permitting the City's governing body to determine, by ordinance, the procedures for breaking a tie vote?

Current language:

The election of all municipal elective offices shall be by a simple majority, defined as fifty percent (50%) plus one (1), of the votes cast for the particular office in question. The Governing Body shall by ordinance determine the procedure for breaking tie votes.

Proposed language:

The election of all municipal elective offices shall be by majority of the votes cast for the particular office in question. The Governing Body shall by ordinance determine the procedures for breaking a tie vote.

City Charter amendment 6

Shall the City delete Section 8.01(G) of the City of Las Vegas Municipal Charter which would prevent the City from holding a run-off election between two candidates receiving the highest number of votes, and instead provide for victory by a simple majority of votes?

Current language:

In the event that no candidate receives a majority of the votes cast for that office, a subsequent run-off election shall be held between the two candidates receiving the highest number of votes. The subsequent run-off election shall be held within forty-five (45) days after certification of the results of the election.

Proposed language:

(None, the current language would be removed and not replaced)

City Charter amendment 7

Shall the City delete Section 8.01(H) of the City of Las Vegas Municipal Charter which currently requires the City to provide election workers for City elections, which would result in San Miguel County providing election workers for City elections?

Current language:

The City Clerk shall maintain a pool of election workers available to assist in the proper conduct of elections, and shall establish guidelines, approved by the Governing Body, for determining the number of necessary workers, compensation, and other such matters relevant to the conduct of the election. The Governing Body, upon approval of the guidelines, shall provide all necessary resources to the clerk, but shall not otherwise participate in the selection of election workers. Not more than fifty (50) percent of the workers shall work in consecutive elections. City employees shall not serve as paid election workers. All election workers shall attend training sessions conducted by the City or County Clerk.

Proposed language:

(None, the current language would be removed and not replaced)

City Charter amendment 8

Shall the City amend Section 8.01(I) of the City of Las Vegas Municipal Charter to permit, rather than require, the City's governing body to adopt ordinances for the prevention of fraud in City elections, and to permit the City's governing body to determine the substances of such ordinances?

Current language:

For the conduct of City elections, for the prevention of fraud in such elections, and for such other purposes as may be determined by the Governing Body, the Governing Body shall adopt ordinances consistent with this Charter not later than September 30, 2011. Such ordinances shall include, but not be limited to, and in addition to election procedures, policies concerning campaign practices, candidate expenses, contribution reports, and campaign ethics.

Proposed language:

For the purpose of preventing fraud in City elections, and such other purposes as the Governing Body may determine, the Governing Body may adopt ordinances consistent with the City Charter. Such ordinances may include a policy concerning campaign practices, candidate expenses, contribution reports and campaign ethics, among other things, as determined by the City's Governing Body.

City Charter amendment 9

Shall the City amend Section 8.04(B) of the City of Las Vegas Municipal Charter to state that the power to recall an elected official shall be governed by New Mexico Election Code and NMSA Article 1, Chapter 25?

Current language:

Except as otherwise provided herein, the provisions of the New Mexico Municipal Election Code and Section 3-1-5 NMSA 1978, relating to petitions, as they currently exist or may hereafter be amended or superseded, shall govern the exercise of the power of recall under this Charter.

Proposed language:

Except as otherwise provided herein, the provisions of the New Mexico Election Code and NMSA Chapter 1, Article 25 (the "Recall Act") shall govern the exercise of the power of recall under the City Charter.

City Charter amendment 10

Shall the City amend Section 8.04(D)(b)(iii) of the City of Las Vegas Municipal Charter to state that the recall petition heading must contain a clear and concise statement specifying the charges to support recall of the named official that constitute malfeasance in office, or misfeasance in office or violation of oath of office?

Current language:

The petition heading contains a clear and concise statement specifying the reason for the recall;

Proposed language:

The recall petition heading shall contain a clear and concise statement specifying the charges alleged to support recall of the named official sufficient to constitute malfeasance in office, misfeasance in office or violation of oath of office.

City Charter amendment 11

Shall the City amend Section 8.04(D)(8) of the City of Las Vegas Municipal Charter to state that the failed attempt to recall an official prohibits that official from being recalled, on the same grounds, during the remainder of that official's term of office?

Current language:

If a recall election results in a failure to secure the votes necessary to recall, the official who is the subject of the recall election shall not again be subject to recall until after the expiration of six (6) months from the time at which the first recall election was held, and in no event more than two (2) times total in a term.

Proposed language:

If the recall election results are insufficient to support a recall, the official who is the subject of the recall election shall not be subject to recall on the same grounds during the remainder of that official's term of office.

City Charter amendment 12

Shall the City amend Section 6.08 of the City of Las Vegas Municipal Charter to remove the duration limitation of one (1) year for advisory committees established by the City's governing body, and instead allow advisory committee members to serve terms longer than one year?

Current language:

The Governing Body may establish advisory committees of duration less than one (1) year as it deems appropriate. The ordinance, resolution or motion establishing any such committee shall provide for the manner of appointment, the powers, purpose, scope and authority of the committee, the termination of the committee, and such other matters as deemed relevant by the Governing Body.

Proposed language:

The Governing Body may establish advisory committees as it deems appropriate. The ordinance, resolution or motion establishing any such committee shall provide for the manner of appointment, the powers, purpose, scope and authority of the committee, the termination of the committee, and such other matters as deemed relevant by the Governing Body.

City Charter amendment 13

Shall the City amend Section 1.05 of the City of Las Vegas Municipal Charter to: (1) require the City's governing body to review the City Charter at least once every five (5) years; (2) require any proposed changes to the City Charter to be reviewed for compliance with applicable law by an attorney with experience in municipal law and drafting charter provisions; (3) delete Section 1.05(B) describing Charter Commission members; and, (4) give the City's governing body the option to choose one, both, or none of the following options regarding the review of the City Charter: (i) appoint a committee composed of an equal number of representatives from each council district, none of which shall be elected city officers, to review and make recommendations to the governing body, as specifically directed by the governing body, regarding the City Charter, with the committee members being actual residents of the City, appointed by the Mayor, and confirmed by the City Council; (ii) by majority vote, to employ by contract a consultant with charter experience to work independently, or with the committee, for the purpose of reviewing and making recommendations to the governing body, as specifically directed by the governing body, regarding changes to the City Charter?

Current language:

The Governing Body shall appoint a Charter Commission for periodic review of the Charter. The purpose of the review is to evaluate, propose or recommend amendments. Provisions shall be made for a review to occur within five (5) years after the effective date of this Charter, and not less than once every ten (10) years thereafter. The Governing Body shall set the duration of the commission and such other terms and duties as the Governing Body deems advisable, not inconsistent with the provisions herein.

Proposed language:

The Governing Body shall be responsible for modifying the City Charter as necessary, and shall review the City Charter at least once every five (5) years. To accomplish said review,

the Governing Body may appoint a committee composed of an equal number of representatives from each council district, none of which shall be elected city officers, to review and make recommendations to the Governing Body, as specifically directed by the Governing Body, regarding the City Charter. The representatives from each council district shall be actual residents of the City, appointed by the Mayor, and confirmed by the Council. The Governing Body may, by majority vote, employ by contract a consultant with charter experience to work independently, or with the committee, for the purpose of reviewing and making recommendations to the Governing Body, as specifically directed by the Governing Body, regarding changes to the City Charter. Any recommended changes under this section shall be reviewed for compliance with applicable law by an attorney experienced in municipal law and drafting charter provisions.

City Charter amendment 14

Shall the City amend Section 2.04(A) of the City of Las Vegas Municipal Charter to allow, but not require, the City's Governing Body to use a redistricting committee and to allow the City to contract with a redistricting consultant without the requirement of a redistricting committee?

Current language:

The Governing Body shall be responsible for modifying the districts as necessary. After each Federal Census, the Governing Body shall appoint a committee composed of an equal number of representatives from each district, none of which shall be elective city officers, to review and make recommendations to the Governing body concerning the four Council Districts to be reapportioned. Any recommended changes shall comply with constitutional principles governing voting rights, population and similar related concerns as determined by judicial decision from time to time. The Governing Body shall employ a consultant with redistricting experience to work with the committee. The district boundaries may be altered as necessary to incorporate areas which are annexed into the City. Redistricting shall be done block by block and no redistricting shall be done that breaks a block.

Proposed language:

The Governing Body shall be responsible for modifying the districts as necessary. After each Federal Census, the Governing Body may appoint a committee composed of an equal number of representatives from each district, none of which shall be elected city officials, to review and make recommendations to the Governing body, as specifically directed by the Governing Body, concerning the Council Districts to be reapportioned. Any recommended changes shall comply with applicable governing law. The Governing Body may employ a consultant with redistricting experience to work independently, or with the committee. The district boundaries may be altered as necessary to incorporate areas which are annexed into the City. Redistricting shall be done block by block and no redistricting shall be done that breaks a block.

City Charter amendment 15

Shall the City amend Section 2.01(B) of the City of Las Vegas Municipal Charter to add a fifth (5th) city council member who is elected at-large within the City, and who is not elected to represent a specific council district but rather represents all City residents?

Current language:

The corporate authority of the City shall be vested in the Governing Body, which shall consist of four (4) City Councilors, elected by district and comprising, collectively, the City Council, and a Mayor, who shall be the presiding officer of the Governing Body.

Proposed language:

The corporate authority of the City shall be vested in the Governing Body, which shall consist of five (5) City Councilors, four of whom shall be elected by district and one of whom shall be elected by the City at large to represent all City residents, which shall collectively comprise the City Council, and a Mayor who shall be the presiding officer of the Governing Body.

City Charter amendment 16

Shall the City amend Section 5.01(A), 5.04(C), 5.05(C), and 5.06(B) of the City of Las Vegas Municipal Charter to require the Mayor to provide a list of no less than two (2) qualified candidates for the positions of City Manager, City Attorney, City Clerk and Chief of Police for review by the City Council, with the City Council being required to select from the Mayor's two candidates for the respective positions?

Current language 5.01(A):

The city manager shall be appointed by the Mayor, subject to Council approval. The Governing Body shall enter into a contract with the City Manager which shall establish, among other matters, compensation, benefits, duties and responsibilities.

Proposed language 5.01(A):

The Mayor shall provide a list of not less than two (2) qualified candidates for the position of City Manager for the Council to review. The Council shall select a City Manager from the two candidates provided by the Mayor. The Governing Body shall enter into a contract with the City Manager which shall establish, among other matters, compensation, benefits, duties and responsibilities.

Current language 5.04(C):

The Mayor shall appoint the city attorney, subject to Council approval.

Proposed language 5.04(C):

The Mayor shall provide a list of not less than two (2) qualified candidates for the position of City Attorney for the Council to review. The Council shall select a City Attorney from the two candidates provided by the Mayor. The Governing Body shall enter into a contract with the City Attorney which shall establish, among other matters, compensation, benefits, duties and responsibilities.

Current language 5.05(C):

The Mayor shall appoint the City Clerk, subject to Council approval. The Governing Body shall enter into a contract with the city clerk which shall establish, among other matters, compensation, benefits, duties and responsibilities. The City Clerk shall establish residence in San Miguel County within ninety (90) days of acceptance of appointment.

Proposed language 5.05(C):

The Mayor shall provide a list of not less than two (2) qualified candidates for the position of City Clerk for the Council to review. The Council shall select a City Clerk from the two candidates provided by the Mayor. The Governing Body shall enter into a contract with the City Clerk which shall establish, among other matters, compensation, benefits, duties and responsibilities. The City Clerk shall establish residence in San Miguel County within ninety (90) days of acceptance of appointment.

Current language 5.06(B)

The Mayor shall appoint the Chief of Police, subject to Council approval. The Governing Body shall enter into a contract with the chief of police which shall establish, among other matters, compensation, benefits, duties and responsibilities. The Chief of Police shall establish residence in San Miguel County within ninety (90) days of acceptance of appointment.

Proposed language:

The Mayor shall provide a list of not less than two (2) qualified candidates for the position of Chief of Police for the Council to review. The Council shall select a Chief of Police from the two candidates provided by the Mayor. The Governing Body shall enter into a contract with the Chief of Police which shall establish, among other matters, compensation, benefits, duties and responsibilities. The Chief of Police shall establish residence in San Miguel County within ninety (90) days of acceptance of appointment.

City Charter amendment 17

Shall the City amend Section 6.06 of the City of Las Vegas Municipal Charter to add two additional members to the Lodgers Tax Board who shall be residents of the City and represent the general public, for a total of seven members?

Current language:

The Lodgers Tax Board shall consist of five (5) members. Two (2) of the members shall be owners or operators of lodging establishments subject to the City's occupancy tax; two (2) of the members shall be owners or operators of industries located within the City that primarily provide services or products to tourists; and one (1) member shall be a resident of the City and represent the general public. This provision shall supersede the provision of section 6.10(C) regarding district representation to the extent necessary to procure the required membership.

Proposed language:

The Lodgers Tax Board shall consist of seven (7) members. Two (2) members shall be owners or operators of lodging establishments subject to the City's occupancy tax; two (2) members shall be owners or operators of industries located within the City that primarily provide services or products to tourists; and three (3) members shall be residents of the City and represent the general public. This provision shall supersede the provision of section 6.10(C) regarding district representation to the extent necessary to procure the required membership.

City Charter amendment 18

Shall the City amend Section 5.07(D) of the City of Las Vegas Municipal Charter to add a sentence stating that the decision of the City's governing body of whether or not to remove a department director shall be recognized and implemented by the City Manager, and shall be final and conclusive regarding the matter?

Current language:

Department directors are at-will employees who may be suspended or removed by the city manager, subject to the approval by the Governing Body.

Proposed language:

Department directors are at-will employees who may be placed on administrative leave or removed by the city manager, subject to a majority vote by the Governing Body. The majority vote by the Governing Body of whether or not to remove a department director shall be recognized and implemented by the City Manager, with said vote constituting a final and conclusive determination regarding the matter.

City Charter amendment 19

Shall the City amend Section 2.06 of the City of Las Vegas Municipal Charter to increase the annual compensation of the Mayor and each Councilor to the annual compensation amount for each Commissioner of San Miguel County, New Mexico and thereafter the annual compensation for the Mayor and each Councilor would automatically increase when the annual compensation for the Commissioners increases?

Current language:

Annual compensation for the Mayor shall be ten thousand dollars (\$10,000.00) and for each Councilor ten thousand dollars (\$10,000.00), payable in monthly installments.

Proposed language:

Annual compensation for the Mayor and each Councilor shall be the same annual compensation received by the Commissioners of San Miguel County, New Mexico. Upon an increase in the annual compensation of said Commissioners, the annual compensation for the Mayor and each Councilor shall automatically increase to the same amount of said Commissioners.